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2 **UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

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5 MANUEL HERNANDEZ-LUGO,

6 Plaintiff,

7 v.

8 SMITH'S FOOD & DRUG CENTERS, INC.,

9 Defendant.  
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Case No. 2:18-cv-02401-MMD-BNW

**ORDER SCHEDULING  
SETTLEMENT CONFERENCE**

11 **NOTE: The Court made significant changes to its scheduling order.**

12 This matter has been referred to the undersigned magistrate judge to conduct a Settlement  
13 Conference. Therefore, a Settlement Conference is hereby scheduled for **July 17, 2020**. Plaintiff  
14 must report at **9:00 a.m.** to Judge Weksler's chambers, Room 3071, Lloyd D. George United  
15 States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada. Defendant must report  
16 to Judge Weksler's chambers at **9:30 a.m.** Parties and counsel should prepare to be at the  
17 Settlement Conference for the entire business day unless Judge Weksler indicates otherwise.

18 **I. Pre-Settlement Conference telephonic conference.**

19 A pre-Settlement Conference telephonic conference is set for **July 16, 2020, at 3:00 p.m.**  
20 This telephonic conference is for Judge Weksler and counsel only. Counsel must call 877-810-  
21 9415, access code 2365998, five minutes before the telephonic conference.

22 **II. Timeliness.**

23 All parties and counsel are expected to check in with Judge Weksler's chambers at least  
24 five minutes prior to the Settlement Conference. If anyone anticipates arriving after the  
25 Settlement Conference's scheduled start time, they must give **prior** notice by contacting  
26 chambers at 702-464-5570.

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- 1           • **The written evaluation must not exceed 10 written pages, not including**  
2           **exhibits. The entire written evaluation must not exceed 50 pages, including**  
3           **exhibits.** The parties should not include as exhibits any items available on the  
4           case docket. A citation to the ECF No. will suffice. If either party desires to  
5           exceed these page limits, they must seek the Court's approval. The Court will not  
6           grant approval unless the requesting party can establish how the additional pages  
7           will aid the Court in helping the parties reach settlement.
- 8           • The written evaluation must briefly describe the substance of the suit and address  
9           the party's views on the key liability and damages issues. **Each written**  
10          **evaluation must contain the elements of each claim and an analysis discussing**  
11          **how the facts relate to those elements.** Further, each party must discuss the  
12          strongest and weakest points of their case, both factually and legally, including a  
13          candid evaluation of the merits of their positions.
- 14          • The parties must each include a comprehensive history, if any, of settlement  
15          negotiations occurring before the Settlement Conference. **The final paragraph of**  
16          **the evaluation statement must contain the opening offer or demand that the**  
17          **party will make at the Settlement Conference.**
- 18          • If there are documents, pictures, recordings, etc., out of which the underlying suit  
19          arose, or whose availability would materially advance the purpose of the  
20          evaluation session, the parties must include copies of those items as exhibits to  
21          their evaluation statements. If a party desires to include deposition transcripts as  
22          an exhibit, the party should include only excerpts that the party desires to  
23          emphasize.
- 24          • The written evaluation must estimate the costs (including attorney's fees and costs)  
25          of taking the case from Settlement Conference through trial.
- 26          • **Each party's written evaluation must be submitted directly to Judge**  
27          **Weksler's chambers—Room 3071—by 4:00 PM on July 9, 2020. Do not**  
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1 deliver or mail the written evaluations to the clerk's office and do not serve a  
2 copy on opposing counsel.


3 **V. Electronic devices.**

4 **Recording the Settlement Conference proceedings is expressly prohibited.** All  
5 attendees are permitted to bring electronic devices, which they may use to access information  
6 necessary to participate in the Settlement Conference or while the undersigned caucuses with  
7 other parties. Wi-fi connection information will be provided during the Settlement Conference.

8 **VI. Sanctions.**

9 Failure to comply with this order's requirements may subject the noncompliant party to  
10 sanctions under Local Rule IA 11-8 or Rule 16(f) of the Federal Rules of Civil Procedure.

11 DATED: May 15, 2020

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13 BREND A WEKSLER  
14 UNITED STATES MAGISTRATE JUDGE  
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